

# UNAUTHORIZED IMMIGRANTS BRIEFING PAPER

## I. OVERVIEW

### (a) Demographics

The Pew Hispanic Center has estimated that there were approximately 10.3 million unauthorized immigrants (either entering clandestinely without inspection, with fraudulent documents, or overstaying visas) in the United States as of March 2004. That figure represented 29% of the country's 35.7 million foreign-born individuals. About 5.9 million or 57% of the 10.3 million unauthorized immigrants were from Mexico. The rest of Latin America, mainly Central America, accounted for 2.5 million or 24% of the total; Asia at 1 million accounted for 9% of the total; Europe and Canada at .6 million accounted for 6% of the total; and Africa and other nations at .4 million accounted for 4%.

Approximately two-thirds of this unauthorized population, as reported by the Center, lived in just eight states: California 2.4 million (24%); Texas 1.4 million (14%); Florida 850,000 (9%); New York 650,000 (7%); Arizona 500,000 (5%); Illinois 400,000 (4%); New Jersey 350,000 (4%); and North Carolina 300,000 (3%).

The Center and the Office of Immigration Statistics within the Department of Homeland Security have estimated that the unauthorized immigrant population residing in the United States during the first quarter of 2005 was somewhere between 10.5 to 10.7 million. That figure increased to approximately 11 million individuals by 2006. The number of foreign-born individuals currently living in the United States, roughly 37,000,000, is at the highest level in the nation's history. About one-third of these individuals are naturalized citizens, one-third are legal permanent residents, and one-third are unauthorized immigrants.

## II. CHRONOLOGY OF FEDERAL LAW

The U.S. Supreme Court has determined that the Federal government, as represented by Congress, has exclusive jurisdiction over immigration policies, the terms and conditions for entry into the United States, thereby restricting states from enacting their own immigration legislation. Courts have repeatedly held that no governmental authority may establish any policy that relates to immigration other than Congress and authorized federal agencies, and that the power to regulate immigration is unquestionably exclusively a federal power. Major pieces of immigration legislation enacted by Congress over the last 20 years in exercising this exclusive power are briefly summarized as follows:

**(a) The 1986 Immigration Reform and Control Act (IRCA):** enacted to control illegal or undocumented immigration, chiefly by prohibiting employers from hiring an individual who had not been lawfully admitted for permanent residence into the country or authorized to be employed under federal immigration law or by the U.S. Attorney General. Under the IRCA it is unlawful to accept false immigration documents for the purpose of satisfying the requirements of

the IRCA for employment and it penalizes the individual who presents the fraudulent document. The law lists over 20 acceptable documents that employees can present to prove their legal status. Employers are required to complete Employment Eligibility Verification (I-9) forms for each employee and are subject to fines for failing to complete, retain, or present the I-9 as required under the IRCA. Employers can also be fined for hiring or continuing to employ an unauthorized worker and are subject to criminal penalties for knowingly hiring or continuing to employ such workers.

Since 2004, the Department of Homeland Security has begun the Basic Pilot program, a free online verification system for employers to use as a rebuttable presumption that an employer has not violated the immigration laws regarding a particular worker. Federal enforcement of these provisions is done through U.S. Immigration and Customs Enforcement, a bureau of the federal Department of Homeland Security.

The act also provided for the legalization of the status of approximately 3,000,000 unauthorized immigrants, enabling them to become permanent U.S. residents. It established a State Legalization Impact Assistance Grant program to reimburse states for costs incurred for public assistance, public health, and education provided to these unauthorized immigrants who were barred from receiving federal assistance for five years as part of the legalization process.

**(b) The 1996 Illegal Immigration Reform and Immigrant Responsibility Act:** adopted a get-tough attitude toward immigration violations, primarily addressing border control and enforcement. It provided for 6,600 new border patrol agents and staff and increased certain penalties for immigration law violations.

The Act also enacted provisions dealing with the use of state and local law enforcement in enforcing federal immigration laws and the denial of certain public benefits to unauthorized immigrants.

**(c) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996:** established restrictions on the eligibility of legal immigrants for means-tested public assistance, while barring unauthorized immigrants from most federal, state, and local public benefits, including such federal programs as Supplemental Security Income, TANF, Food Stamps, Medicare, Medicaid, except for emergency care, and the State Children's Health Insurance Program (SCHIP). The law included exceptions for certain types of public benefits such as access to public health programs providing immunizations and treatment of communicable disease systems, shelters, soup kitchens, meals on wheels, public health and mental health services necessary to protect life or safety, and in-kind services necessary to protect life and safety, as long as no income qualification was required to receive the benefit. States may opt to provide state or local benefits restricted under the Act to qualified aliens by affirmatively passing a state law that would authorize "not qualified" immigrants to also receive the benefit.

The law requires state and local agencies to verify the immigration status of all applicants for federal public benefits. Agencies should note that verifications should be used only when the benefit is contingent on citizenship or immigration status and applied only to the person receiving the benefit.

**(d) The REAL ID Act:** became law in May of 2005 as Division B of the FY 2005 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief. It contained provisions imposing minimum standards for state-issued driver's licenses, including verifying lawful presence in the country, if the documents are to be accepted for federal purposes. These provisions are not mandatory on states, but federal agencies will be prohibited from accepting state-issued driver's licenses or identification cards for federal identification purposes after May 11, 2008, if they do not meet the new standards.

A state may issue a driver's license, identification card, or driving privilege card that does not satisfy the requirements of the REAL ID Act, but the state must ensure that the license or card: (1) clearly states on its face that it will not be accepted by any federal agency for federal identification or any other official purpose; and (2) uses a unique design or color indicator to alert a federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

**(e) The Secure Fence Act of 2006:** provides for the installation of a 700-mile fence along the U.S. border with Mexico in an attempt to tighten the country's immigration policies and do a better job in securing the country's borders.

**(f) The Comprehensive Immigration Reform Act of 2007:** failed to pass. The 380-page bill was presented as a bipartisan immigration compromise that took a comprehensive approach at solving the nation's current illegal immigration dilemma. It also attempted to reconcile two major changes that have unfolded simultaneously in the last several years: heightened fears about porous borders in the wake of the September 11, 2001 terrorist attacks; and the nation's increasing dependence on immigrant labor.

Highlights of the bill included stepped up security along the U.S. border with Mexico while allowing almost all of those immigrants who are in the United States illegally to remain in the states if they are willing to report to authorities, pay a fine, learn English, and return to their home countries for a time. They would be eligible to begin the citizenship application process once the approximately 4,000,000 current applicants for immigrant visas have been processed. These individuals would be given a four-year renewable "Z" visa. In addition, "Y" visas would be issued to allow up to 400,000 temporary workers to come to the U.S. each year to fill low-skilled jobs in the booming service sector. They could stay for up to three two-year periods, provided they left the U.S. for at least a year between each period.

Additional provisions within the bill addressed issues such as employer verification, immigrant applications, law enforcement, and grant programs. The bill provided for employers to verify that their employees are legally in the U.S. through a national clearinghouse called EEVS. The bill also created a point system for future immigrant applicants that would place less emphasis on family connections and more on education and skills in demand by U.S. businesses. The bill continued the current practice of states assisting the federal government in the enforcement of criminal immigration law and kept the enforcement of civil immigration law with the federal government. It created a state impact grant program through which states would annually receive funds to ameliorate health care and education costs as well as a competitive grant program to assist states in implementing the REAL ID Act.

### III. IMPACT OF FEDERAL LAW ON THE STATES

#### (a) Preemption

The courts have long recognized that Article I, Sec. 8 of the U.S. Constitution gives Congress plenary power over all aspects of immigration law, including the right to provide a system of registration and identification for aliens because the entire control of international relations is invested in the national government (see for example *Hines v. Davidowitz*, 312 U.S. 52 (1941), holding that the federal system of alien registration supercedes a state system of registration).

Even with the U.S. Supreme Court holding, according to the National Immigration Law Center, in 2005 at least 22 states considered proposals relating to illegal immigration. These proposals covered a broad range of policy areas, including workplace requirements, access to public benefits, driver's license and identification cards, voter registration requirements, college tuition standards, and law enforcement issues. In 2006, more than 570 pieces of immigration-related legislation were introduced in state legislatures of which 84 were enacted. As of April 13, 2007, state legislatures had introduced at least 1,169 bills and resolutions related to immigration, immigrants, or refugees.

Some states have taken the position that if federal immigration law does not address an issue with specific preemption language then the state may legislate on the issue. California has done this in relation to worker's compensation law, declaring that immigration status is not a factor in receiving those benefits. The same has been suggested in regards to personal injury claims and lost wages, since the IRCA has no specific preemption language affecting personal injury claims and lost wages in the absence of proof that the claimant tendered false work authorization documents to obtain employment.

Two opposing views continue to be expressed at both the state and federal levels regarding federal-state relations in the area of immigration law. The first would suggest that states, in concert with federal efforts, should take all possible steps to deal with unauthorized immigrants because of the failure of current federal law to adequately deal with the immigration problem. The opposing view is that enforcing immigration policy is a federal responsibility and state action in this area is inappropriate. It has been suggested that state laws reinforcing what federal immigration law states may be acceptable and not preempted by federal law. Those going beyond what federal immigration law states may be preempted. The courts have traditionally held that states will not be allowed to legislate in an area where there is already federal law, such as with the IRCA, specifically 8 U.S.C. Sec. 1324a(h)(2), where the provisions of the section "preempt any state or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens".

**(b) Impacted Areas** (common "pro-con" arguments included for each issue)

(i) *Employment* - U.S. Immigration and Customs Enforcement (ICE) is authorized to conduct investigations to determine whether employers are complying with IRCA. Employers who do not comply can be subject to civil fines and some violations can result in imprisonment. Utah currently has no role in sanctioning employers who break federal law by hiring unauthorized immigrants.

State legislative proposals from throughout the country put forth in this area include employer verification of an employee's immigration status, imposing fines on employers who hire unauthorized immigrants, prohibiting the receipt of state contracts by employers who violate federal immigration law, and suspending or revoking licenses of employers who hire workers illegally. Proposals to deny workers' compensation claims for unauthorized workers have been introduced in a number of states. Another proposal would hold employers responsible for the costs of providing uncompensated medical care for employees who are not in the United States lawfully.

**Pro:** State laws in this area are needed because federal law has proven to be ineffective. Some employers feel that due to a lack of enforcement of federal immigration laws, there is little risk of being sanctioned for employing unauthorized immigrants and see fines as a cost of doing business. State sanctions would allow for enforcement by persons closer to the work site and for additional resources for consistent and aggressive enforcement.

**Con:** Federal law already prohibits the hiring of unauthorized immigrants and sanctions exist for breaking those laws. State sanctions could lead to a patchwork of requirements for employers and to uneven or unfair enforcement of federal law. Why spend finite state resources to duplicate federal efforts? Either change federal law to be more effective or beef up federal enforcement efforts.

(ii) *Education* - The U.S. Supreme Court has established that unauthorized immigrants of school age (K-12) may not, consistent with the Equal Protection Clause of the U.S. Constitution, be denied a free public education. In *Plyler v. Doe*, 457 U.S. 202 (1982), a Texas statute which denied local school districts funds for educating illegal-alien children and allowed the districts to deny free public education to those children, was struck down as violating equal protection. On the basis of that pronouncement, schools may not inquire as to the immigration status of a child for purposes of school enrollment.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 sought to prohibit states from providing a postsecondary education benefit to an immigrant not lawfully present in the United States on the basis of residence unless a U.S. citizen would be eligible for the same benefit. In response, ten states, including Utah, have enacted statutes that allow long-term unauthorized immigrant students to become eligible for in-state tuition if they meet certain requirements. In the case of Utah, eligibility is contingent upon the individual having attended for three or more years and having graduated from a Utah high school, registering as an entering student at a state institution of higher education, and filing an affidavit with the institution promising to seek legal immigration status. Subsequent bills have been filed in an attempt to repeal the law but have been unsuccessful.

**Pro:** It is good public policy to further the education of immigrants who already are integrated into local communities and want to contribute to the local and national economy. State laws granting in-state tuition for unauthorized immigrants open the doors of higher education to those who need it most and do not violate federal law because the requirements set for in-state tuition apply to all students, whether they reside in the country legally or not. These individuals should not be punished for the actions of parents who brought them illegally into the country.

**Con:** This kind of law rewards illegal activity and encourages more illegal immigration. It has been contended that these laws violate federal law in that they discriminate against U.S. citizens and legal immigrants by allowing unauthorized immigrants who reside within the state to pay lower in-state tuition rates while requiring out-of-state citizens and authorized immigrants to pay higher rates.

(iii) *Law Enforcement* - A person who violates federal immigration laws is subject to civil or criminal penalties or both. Traditionally, state and local law enforcement authority for enforcing immigration laws has been limited to criminal provisions of the federal laws. According to the Congressional Research Service, the enforcement of civil provisions, including the apprehension and removal of deportable unauthorized immigrants, is generally viewed as an exclusive federal responsibility. The unauthorized presence of an immigrant in the U.S. is a civil immigration violation and entering the U.S. illegally is a misdemeanor criminal offense. Utah generally does not authorize law enforcement officers to make arrests for misdemeanors committed outside their presence.

The question of the authority of state and local law enforcement officers to enforce federal immigration law is complicated by a number of factors, including statutory exceptions and judicial interpretations. Amendments to federal laws have authorized states to enforce civil immigration violations in limited circumstances. As an example, the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (IIRIRA) allows state and localities to have a part in enforcing federal immigration laws if the state has entered into a voluntary written agreement (memorandum of understanding - MOU) with the federal government. The MOU must list the specific powers and duties of the local officers in relation to the enforcement of the immigration law. The 1996 Act also requires the education and training of local law enforcement officers in federal immigration law.

Under the IIRIRA, state and local law enforcement officials can enforce certain civil immigration provisions if there is a "mass influx" of foreign nationals as determined by the U.S. Attorney General, the situation requires an immediate response from the federal government, and federal officials obtain the consent of the state and local supervising department.

State and local officials also have specific authority to enforce federal immigration law under the Anti-Terrorism and Effective Death Penalty Act of 1996. This Act allows for the arrest and detainment of immigrants who are not authorized to be in the U.S. and previously had been deported or left the country after a felony conviction in the U.S.

The Congressional Research Service reports that it is permissible as a matter of practice for local law enforcement officers to ask about the immigration status of someone they encounter while performing routine duties. In some cases, they may contact federal officials if they question a person's immigration status. However, some jurisdictions have their own policies

known as "don't ask, don't tell", in which officers are not required to ask or report on the immigration status of people they encounter, including victims and witnesses. Those policies have been challenged on the basis of violating federal law concerning communicating with federal officials about a person's immigration status.

**Pro:** Local law enforcement officers are best able to enforce immigration law because of their relationships with communities. Law-abiding residents would benefit by having better enforcement of immigration laws to combat the negative effect that unauthorized immigrants have on communities and to address the threat that they pose on national security.

**Con:** The role of local law enforcement officers is to solve and prevent crime, not to enforce federal immigration law. Enforcement of these laws might harm the trust and good relationships necessary for an officer to operate successfully in a community. Crime witnesses and victims might be less likely to cooperate with local law enforcement if they feared actions might be taken against them because of their immigration status. Local law enforcement resources are already stretched thin and this would just exacerbate the problem. Officers would need extensive training in immigration law and federal statutory and constitutional law to prevent civil rights violations and racial profiling. There might also be a problem with uniform enforcement of federal immigration law if performed by local officers.

(iv) *Access to Benefits* - U.S. citizens and certain legal immigrants are eligible for federal, state, and local public benefits, including food stamps, Medicaid, the Children's Health Insurance Program and cash assistance. Since there is a federal funding component to all of these programs, the eligibility requirements are generally guided by federal law. States are required to determine citizenship and immigration status of applicants for Medicaid, except emergency Medicaid, SCHIP, TANF, and food stamps, but the eligibility determination process may vary from state to state.

States may not require applicants to provide such information for any nonapplicant member of a family or household. For example, Medicaid and SCHIP allow children to apply for and receive benefits independently of their ineligible parents. States must require disclosure of citizenship and immigration status only of the person for whom benefits are being sought. States also have the flexibility under federal law to allow family members to receive TANF benefits if ineligible family members do not disclose immigration status or a social security number.

The federal Emergency Medical Treatment and Active Labor Act of 1989 requires emergency room physicians to assess and stabilize any patient, regardless of ability to pay or immigration status. Because of this law, hospitals with emergency room facilities often treat unauthorized immigrants. If the patient is unable to pay for the care, the charges often go unreimbursed.

Some argue that states and local entities should gather statistics on the use by unauthorized immigrants of certain public benefits, such as emergency room medical care and local public health care programs. Others say that the gathering of such information could serve as an intimidation that might discourage eligible persons from seeking needed care.

In the first half of 2005, 15 states considered proposals to restrict unauthorized immigrants' access to public benefits, but only one bill became law. Virginia enacted a law that prohibits non-citizens and people residing illegally in the U.S. from receiving state or local

public benefits, unless required by federal law. The law had exemptions for some state-funded medical assistance for certain immigrant children and long-term care patients.

**Pro:** State laws requiring individuals to prove citizenship merely enforce current federal laws, most of which already restrict benefits to U.S. citizens. Requiring proof of citizenship prevents fraud in benefits programs and would not deny benefits to anyone who is lawfully eligible to receive them. It is unfair for taxpayers to continue to pay the high cost of providing public benefits to those who are not eligible to receive them.

**Con:** These state measures are unnecessary. Unauthorized immigrants are already ineligible for numerous public benefits and there are penalties for fraud and making false claims. Other benefits, such as public education in grades K-12 and emergency medical care, are federally mandated for all, regardless of immigrant status. State and local employees should not enforce federal immigration law by making judgments on the citizenship status of applicants for public benefits. Unauthorized immigrants come to the U.S. seeking jobs, not benefits.

(v) *Sanctuary* - 8 U.S.C. Sec. 1644 prohibits all state and local authorities from adopting any policy that prohibits, or in any way restricts, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person. Therefore, a state or local sanctuary policy is in violation of federal law. Since a sanctuary policy would be presumably instituted for the purpose of allowing unauthorized immigrants to reside in a community without fear of deportation, any government entity adopting such a policy might also be charged with a violation of aiding and harboring illegal aliens in violation of Section 274 of the Immigration and Nationality Act.

(vi) *Identification and Drivers' Licenses* - The REAL ID Act of 2005 requires states to verify lawful presence of the applicant in the U.S. for a driver's license or identification card, calling for a higher level of security in the issuance of drivers' licenses, specifically where the document is to be accepted for federal purposes such as a prerequisite to boarding an airplane. The law requires an applicant to go to a DMV office in person and show original identity documents. If the applicant is only legally authorized to stay in the country for a specific time frame, then the applicant is issued a temporary license or identity card that is valid only for that time frame. If there is no definite period of authorized stay, then the temporary license is issued and valid for one year. A temporary license or identification card must clearly indicate that it is temporary and may not be renewed unless the applicant's status has been extended.

An impact analysis done jointly by associations of state legislators, governors, and motor vehicle administrators, concludes that the REAL ID requirements will more than double the workload of motor vehicle offices. REAL ID is not a mandate. Utah may opt in or out. Provisions of the Act are scheduled to go into effect in May 2008.

**Pro:** States that require only proof of identity rather than legal U.S. residence reward illegal behavior by making it easier for unauthorized immigrants to obtain a driver's license. States should not wait for the REAL ID 2008 deadline to require that applicants for a driver's license or an identity card prove that they are legal residents of the U.S.



**Con:** Driving in many states is a necessity because many areas do not have adequate mass transit. Driving is a lifeline to work, health care, education, and more. It is far better for all drivers to be licensed than to drive illegally. Current law does not reward unauthorized immigrants. A driver's license is not proof of citizenship, and granting one should not be contingent on a person's immigration status. States should not be engaged in enforcing immigration laws at driver's license bureaus.

#### **IV. OVERVIEW OF STATE LEGISLATION RELATED TO IMMIGRATION AND IMMIGRANTS**

##### **(a) 2006 State Legislation**

In 2006, there were approximately 570 pieces of legislation concerning immigrants introduced in state legislatures throughout the country. Of the 570 introduced, 90 passed and 84 were signed into law. The legislation covered a wide variety of topics related to immigrants, but much of it focused on education, employment, identification and driver's licenses, law enforcement, legal services, public benefits, trafficking, and voting procedures. Representative examples are summarized below.

(i) *Education* - Nebraska passed legislation that allows unauthorized immigrant students to qualify for in-state tuition. Virginia established eligibility for in-state tuition for those holding an immigration visa or classified as a political refugee.

(ii) *Employment* - Colorado prohibits state agencies from entering into contract agreements with contractors who knowingly employ illegal immigrants and requires prospective contractors to verify legal work status of all employees. Idaho limits unemployment benefits to U.S. citizens and legal residents only. Pennsylvania passed a bill that prohibits the use of labor by illegal immigrants on projects financed by grants or loans from state government.

(iii) *Identification/Drivers' licenses* - Florida's new law requires proof of legal immigration status or proof of pending adjustment to legal immigrant status of driver's license applicants. Missouri's enactment states that a learner's permit, driver's license, or renewal license may not be extended to a person not lawfully residing in the state. Colorado passed a bill on the fabrication of fraudulent documents for legal status and identification, providing funding for a full-time investigator in the attorney general's office and a \$50,000 civil fine for counterfeiting identification documents.

(iv) *Law enforcement* - Colorado law instructs the state attorney general to pursue reimbursement from the federal government for all costs associated with illegal immigration, including incarceration, education, and health care. Ohio's new law requires ICE to be notified when a suspected non-citizen pleads guilty to or is convicted of a felony and also requires a list of all unauthorized immigrants currently serving prison terms to be compiled and given to ICE to determine if ICE wishes to gain custody of any undocumented prisoner.

(v) *Public benefits* - Colorado restricts public benefits from those who are not U.S. citizens or legal permanent residents. Applicants for public benefits who are 18 or older must show a valid ID such as a Colorado driver's license or ID card, military ID, etc., before receiving benefits. Maine allows non-citizens of the state who have resident visas to be eligible for Medicare coverage. Arizona requires U.S. citizenship or legal immigrant status to receive health benefits. An unauthorized immigrant can receive emergency medical services only.

(vi) *Trafficking* - Colorado makes the smuggling of humans a Class 3 felony, unless the adult is an illegal immigrant, which makes the offense a Class 2 felony. It also makes threatening the destruction of immigration or work documents or threatening the notification of law enforcement officials of undocumented status in order to force a person into labor or services, with or without compensation, a felony. Florida legislation makes human trafficking a crime and allows victims to receive up to three times the monetary amount for their services as restitution. Hawaii established a task force to study effective strategies to combat human trafficking.

(vii) *Voting/Elections* - New Hampshire requires proof of citizenship for voter registration purposes. Missouri requires that applicants for voter registration may only use identification issued in the U.S. or Missouri. The ID used must include a picture. In South Dakota, a voter must present a passport or government issued photo identification card before receiving a ballot.

(viii) *Miscellaneous* - Gun permits: Virginia denies anyone unlawfully residing in the U.S. permission to obtain a handgun permit. Study: North Carolina permits the Legislative Research Commission to study the impact of undocumented immigrants on the state, including health care, education and social services, criminal justice, the economy, economic and workforce development, and any other relevant issues.

## **(b) 2007 State Legislation**

As of April 2007, legislators in all the states had introduced at least 1,169 bills and resolutions related to immigration, immigrants, or refugees. That is double the total introduced in 2006. With many legislatures still in sessions, as of April 13, 57 bills and 19 resolutions and memorials have been adopted. There will likely be more as sessions wind down throughout the year. As in 2006, employment, law enforcement, benefits, education, and human trafficking issues head the list of topics dealt with in these legislative proposals.

(i) *Employment* - These bills can be divided into two broad categories: employer-based and employee-based. Employer-based legislation prohibits employment of unauthorized workers, adds penalties, and requires verification of work authorization. Employee-based legislation addresses eligibility for workers' benefits and employee sanctions (total of 199 bills in 41 states).

(ii) *Education* - In general these bills mandate that a determination of the immigration status of persons be complete before they may participate in education programs. Some bills provide in-state postsecondary education tuition for immigrants who meet certain qualifications while other bills bar undocumented immigrants from receiving in-state tuition rates (105 bills in 30 states).

(iii) *Law enforcement* - States are considering bills that authorize cooperation with federal immigration authorities (Memorandums of Understanding) prohibit non-cooperation, or offer enhanced authority to state and local law enforcement related to immigration. Some bills would restrict state and local law enforcement from assisting in the enforcement of federal immigration law (129 bills in 30 states).

(iv) *Human trafficking* - Criminal penalties for trafficking and for destroying documents and establishment of services for victims are the subject of most human trafficking legislation. Several states would create task forces or research commissions to deal with this issue (63 bills in 28 states).

(v) *Benefits* - Most bills would restrict benefits and services to legal immigrants and citizens and require proof of citizenship or legal immigration status. With respect to health care, several states would extend health care to specific immigrant populations. Several states are considering children's health proposals that include immigrants (149 bills in 39 states).

### **(c) Utah - Legislative Staff Resources**

(i) Identification and Driver's Licenses - Shannon Halverson, Associate General Counsel, Leif Elder, Policy Analyst

(ii) Voting - Eric Weeks, Associate General Counsel, Ben Christensen, Policy Analyst

(iii) Education - Dee Larsen, Associate General Counsel, Connie Steffen, Policy Analyst

(iv) Health - Tom Vaughn and Cathy Dupont, Associate General Counsels, Mark Andrews, Policy Analyst

(v) Employment - Patricia Owen, Jim Wilson, and Eric Weeks, Associate General Counsels, Allison Nicholson, Art Hunsaker, and Ben Christensen, Policy Analysts

(vi) Benefits - Jim Wilson, Tom Vaughn, Cathy Dupont, Eric Weeks, Associate General Counsels, Allison Nicholson, Art Hunsaker, Mark Andrews, and Ben Christensen, Policy Analysts

(vii) Human Trafficking/Law Enforcement - Susan Allred and Tom Vaughn, Associate General Counsels, Stewart Smith, Policy Analyst

**(d) Resources for Briefing Paper**

(i) Pew Hispanic Center: Unauthorized Migrants: Numbers and Characteristics, Background and Briefing Prepared for the Task Force on Immigration and America's Future

(ii) N.C.S.L. Immigrant Policy Project: Overview of State Legislation Related to Immigration and Immigrants in 2007

(iii) N.C.S.L. Legisbrief: Immigration Reform in 2006

(iv) N.C.S.L. Immigration Policy Project: Common Immigration Terms

(v) Homeland Security, Office of Immigration Statistics, Policy Directorate: Estimates of the Unauthorized Immigration Population Residing in the United States: January 2005

(vi) N.C.S.L. Immigrant Policy, 2006 State Legislation Related to Immigration: Enacted and Vetoed Oct. 1, 2006

(vii) The Role of States in Immigrant Enforcement: House Research Organization, Texas House of Representatives, Focus Report Feb. 24, 2006

(viii) The Executive Committee Task Force on Immigration and the States: Immigration Reform and Control Act Presentation by Greenberg Traurig, Spring Forum 2006